

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SALVADOR A. RODRIGUEZ,

Petitioner,

v.

DERRAL ADAMS, Warden,

Respondent.

No. C 04-2233 PJH

**ORDER FOR SUPPLEMENTAL
BRIEFING BY APPOINTED
COUNSEL**

On March 1, 2007, this court appointed counsel for petitioner Salvador Rodriguez ("Rodriguez"), and on March 14, 2007, current counsel, Linda Fullerton, was appointed. Although Rodriguez's June 7, 2004 federal habeas petition contained three claims for relief, there is currently only one claim pending because the court dismissed one claim as non-cognizable, and Rodriguez elected not to proceed on another unexhausted claim. In the sole surviving claim, Rodriguez contends he received ineffective assistance of counsel based on his trial counsel's failure to assign an investigator to investigate the facts of his case, a claim which has been detailed in letters in the file from a former investigator, William Walter Foskett.

At the time counsel was appointed on March 14, 2007, the petition was already fully briefed. However, as the court noted in its March 1, 2007 order, the "traverse" consisted of the June 8, 2006 one and one-half page letter from Rodriguez, which does not provide the court with much assistance in adjudicating the claim.

Given the extremely brief traverse and the fact that counsel has now been appointed, the court will afford Rodriguez, through his newly appointed counsel, an opportunity to file a supplemental traverse addressing the claim at issue in this case.

Rodriguez's supplemental traverse shall be filed and served **no later than 30 days from the date of this order.**

IT IS SO ORDERED.

Dated: April 26, 2007



PHYLLIS J. HAMILTON
United States District Judge